

Appl. No. 09/838,512
Atty. Docket No. 8045M
Amdt. dated 4/29/2004
Reply to Office Action of 3/3/2004
Customer No. 27752

REMARKS/ARGUMENTS

The Specification has been amended at page 3, lines 7, 13 and 14 to properly recite the presence of the Z and M constituents of the amylopectin material. Page 7, l. 7, 13 and 14 have been similarly amended.

Claims 17-21 have been cancelled. Claims 1-16 are now in the case.

Claims 1 and 6 have been amended to delete the "preferably" language and to delete the "mixtures" language.

Claims 1, 4, 5, 6, 9, 10, 15 and 16. have been amended to specify that the polymer/oligomer is an amylopectin. Basis for "amylopectin" is in the specification at page 2, l. 15.

Claims 1 and 6 have further been amended to delete the starch formula designated "T".

Claims 1, 3, 6 and 8 have been amended to comport with the aforesaid amendments to the Specification with respect to the recitation of the Z and M constituents.

It is submitted that the omission of the Z and M substituents from the specification and claims herein was a transcribing error that, somehow, occurred by a computer glitch during the conversion of the original Provisional Application No. 60/198,710 filed April 20, 2000, from which the present application claims priority (Specification, page 1, l. 8-9.)

The Examiner's attention is directed to said Provisional Application at page 3, l. 7 and l. 15-16, wherein substituents Z and M are properly included in the formulas. See, also Provisional at page 7, l. 7, 15-16, as well as Claim 1 (p. 71, l. 1 and l. 9-10), Claim 3 (p. 72, l. 13-14), Claim 6 (p. 73, l. 10 and l. 18-19) and Claim 8 (p. 75, l. 8)

In light of the foregoing, it is submitted that there is full support for all amendments to the Specification and Claims, and entry is requested.

IDS

The comments regarding the "listing of references in the specification" (page 2 of the Office Action) are confusing. Our file indicates that a proper IDS was listed as "Received TCS 1700" on January 15, 2002. Clarification is requested.

Rejection Under 35 USC 112

It is submitted that the foregoing amendments meet all rejections/objections under §112. Withdrawal of the rejections is respectfully requested.

Appl. No. 09/838,512
Atty. Docket No. 8045M
Amdt. dated 4/29/2004
Reply to Office Action of 3/3/2004
Customer No. 27752

Rejections Under 35 USC 102

All claims stand rejected as anticipated by WO 99/14295, WO 99/14245 and U.S. 6,384,011, each applied separately.

Applicants respectfully traverse all rejections under §102, to the extent they apply to the amended claims now remaining in the application.

As the Examiner is aware, the cited documents relate to the Formula I polymers/oligomers, which have now been deleted from all claims herein. Nothing in the cited documents teaches or suggests the amylopectin polymers/oligomers, which are the subject of the amended claims. Accordingly, it is submitted that the rejections under 35USC102 cannot stand, and withdrawal of the rejections is requested.

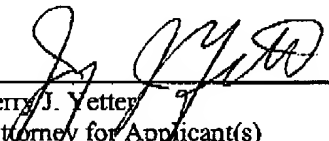
Obviousness Type Double Patenting

In light of the amendments to the claims to focus on the amylopectin polymers/oligomers nowhere suggested in the cited documents, it is submitted that the double patenting and provisional double patenting rejections are inappropriate. However, in order to speed prosecution, submitted herewith is a Terminal Disclaimer over U.S. 6,384,011, U.S. 6,579,840 and copending Application 09/890,674. Withdrawal of all double patenting rejections is requested.

In light of the above amendments and remarks, early and favorable action in the case is requested.

Respectfully submitted,

Moe et al.

By 
Jerry J. Yetter
Attorney for Applicant(s)
Registration No. 26,598
(513) 627-1907

April 29, 2004
Customer No. 27752
(8045M Response to OA 3-3-04.doc)
Revised 10/14/2003